IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 12839 of 2007(C)

PETITIONER:

M.MOIDU,
S/O.MAYANKUTTY, MALAYIL VEEDU,
PONMERPARAMBIL P.O., VILLIAPALLI.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA

RESPONDENTS:
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1. THE JOINT REGISTRAR,
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KALLAI ROAD, KOZHIKODE.

2. THE GENERAL MANAGER,
THE KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.,
KOZHIKODE-2.

3. THE ARBITRATOR/SPECIAL SALE OFFICER,
THE KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.,
KOZHIKODE-2.

4. THE MANAGER,
THE KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.,
MALAPARAMBU BRANC, KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN
SRI. K.R. DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE NOTICE DATED 06.01.2005.

EXT.P2: THE TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 3666/05 DATED 02.02.2005.

EXT.P3: THE TRUE COPY OF THE RECEIPT OF RS. 20,000.

EXT.P4: THE TRUE COPY OF THE AUCTION NOTICE DATED 23.02.2007.

EXT.P4: THE TRUE COPY OF THE AUCTION NOTICE DATED 23.02.2007.

EXT.P5: THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 14.03.2007.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 12839 OF 2007

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner approached this Court with certain grievances regarding recovery steps initiated at the instance of the 2nd respondent. According to the learned counsel appearing for the respondent, the only motive is to protract the recovery. It is seen that the petitioner has approached this Court earlier also, leading to Ext.P2 judgment. According to the bank, the petitioner did not comply with the directions for the deposit and hence the request could not be considered. Be that as it may, during the pendency of the writ petition some amounts have been paid. The petitioner has sought for settlement of accounts as in Ext.P5. There is also a request for one time settlement. There will be a direction to the 2nd respondent to look into Ext.P5 with notice to the petitioner and take appropriate action in accordance with law. This shall be done within a period of four months from the date of receipt of a copy of this judgment. Further recovery against the petitioner in the meanwhile shall be deferred on condition that the petitioner deposits a further amount of Rs. 50,000/- within a month.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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